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Convention on the Rights of the Child

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Committee on the Rights of the Child
Seventy-fourth session
16 January-3 February 2017
Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the report submitted by Malawi under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 October 2016.

The Committee may take up any aspect of children's rights set out in the Optional Protocol during the dialogue with the State party.

1. Please provide information on any steps taken to pass legislation that would introduce the Optional Protocol into the domestic legislation of Malawi. Please also inform the Committee if the Optional Protocol has been invoked before the courts.

2. Please clarify which body is responsible for the implementation of the Optional Protocol and the coordination of activities related to the implementation.

3. Please provide information on any measures taken by the State Party to disseminate the Optional Protocol and implement awareness-raising programmes. Please also provide information on training activities related to the Optional Protocol for children and professionals working for and with children, especially for members of the peacekeeping and armed forces, the police, immigration officials and judges.

4. Please provide the data available on the number of child victims of offences under the Optional Protocol among refugee and asylum-seeking children living within the jurisdiction of the State party.

5. In view of reports that the number of children in possession of a birth certificate is very low and that the Defence Force Act does not require any proof of age, please explain what safeguards and practical measures are in place to prevent children from joining the armed forces before the age of 18.

6. Please indicate whether any measures have been taken to explicitly criminalize the enrolment and use of children in the armed forces. Please inform the Committee on any

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measures taken to establish the responsibility and accountability of recruitment officers for the recruitment and the use of children under 18 years old.

7. Please indicate the minimum age requirement for enrolment into the Army Secondary School, the number of children enrolled in the school, the proportion of academic and military training in the curriculum and whether the students enrolled in the schools are trained in the use of firearms.

8. Please indicate whether any measures have been taken to prevent children under the age of 18 from taking part in hostilities. Please also indicate what steps have been taken to prevent the recruitment of children by local chiefs to protect land.

9. Please explain whether there is extraterritorial jurisdiction and the possibility for extradition for crimes covered under the Optional Protocol and, if so, under which specific legislation.

10. Please inform the Committee what legislative and practical measures have been taken to prohibit expressly the acquisition and use of firearms by children. Please also explain what steps have been taken to regulate the use of home-made firearms.